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| REVIEW REQUIREMENTS | REFERENCE | COMMENTS |
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| FORMS | | |
| Advisory Organizations and Forms Providers | | |
| Adopting by reference, Blanket reference or Filing authorization | KRS 304.14-120, 806 KAR 14:006, | When an insurer chooses to adopt one or more specific filings of an AO or FP, it shall do so in accordance with the usual filing procedures and shall clearly identify which filing(s) it is adopting. Reference to items must always be made using the AO or FP filing reference number, not the circular or form number. Adoptions of items released more than 2 years prior must include copies of the items being adopted for review for current compliance. When an insurer chooses to adopt ALL of the policy forms of an AO or FP, it may either provide written authorization to AO or FP, who must in turn file the authorization with the DOI, or the insurer must file written notice of "blanket reference adoption" with the DOI that it is adopting by reference all of the current and future policy forms filed by the AO or FP. |
| Delaying adoption or non-adoption | KRS 304.14-120, 806 KAR 14:006, | When an insurer has previously adopted all an AO or FP's forms and chooses to delay the effective date of a new release, the insurer may submit a letter and specify an adoption date within 6 months of the advisory effective dates. A second letter may be submitted with a new date within one year from the original advisory effective date. If the insurer will not adopt within one year, a complete filing with forms and fees is required to non-adopt. Insurers will not be permitted to delay adoption or non-adopt releases bringing forms into compliance with the law without making similar independent changes bringing their forms into compliance. |
| Applications | | |
| Need not be filed unless part of policy | KRS 304.14-020, KRS 304.14-120 | Applications filed will be approved or disapproved as the law requires. Those forming a part of the policy must comply with all of the laws related to forms. |
| Fraud notice | KRS 304.47-030 | All applications and claim forms shall contain a statement that clearly states in substance the following: "Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance containing any materially false information or conceals, for the purpose of misleading, information concerning any fact material thereto commits a fraudulent act, which is a crime." |
| Warranties prohibited | KRS 304.14-110 | Statements in applications are representations, not warranties. They shall not prevent recovery under the contract unless they are fraudulent, material to the acceptance of the risk, or the insurer would not have issued at the same premium rate or policy limits. |
| Arbitration | | |
| Mandatory binding arbitration is prohibited | KRS 304.20-050, KRS 417.050 | However, the parties may agree to binding arbitration after the dispute arises. Nonbinding arbitration provisions are permitted. |
| Cancellation & Nonrenewal | | |
| Reasons permitted for cancellation | KRS 304.20-310(2) and 330, KRS 304.14-030 | Mid-term cancellations of policies in force more than 60 days can only occur for one or more of seven reasons: <ul style="list-style-type: none"> • Non-payment of premium • Discovery of fraud or material misrepresentation made by or with the knowledge of the named insured. • Discovery of willful or reckless acts or omissions on the part of the named insured that increase any hazard insured against. • Occurrence of a change in the risk that substantially increases any hazard insured against. • Violation of local fire, health, safety, building or construction regulation or ordinance with respect to any insured property. • The insurer is unable to reinsure the risk. • Determination by the Commissioner that the continuation of the policy would place the insurer in violation of the KY insurance code or regulations of the Commissioner. Nonpayment of premium is the failure to discharge any obligation in connection with the payment of premiums. Insured's failure to repay losses and/or LAE within the deductible does not constitute non-payment of premium. |
| Notices of cancellation and nonrenewal | KRS 304.20-310 and 320, 806 KAR 20:010, KY Farm Bureau v. Gearhart, 853 S.W. 2nd 907 (KY App 1993) | 14 days in advance of effective date of cancellation if for non-payment of premium or if policy in force 60 days or less. 75 days notice for nonrenewal and all other cancellations. Termination is a cancellation or nonrenewal of coverage in whole or in part. Movement between companies is a termination and must be given 75 day notice. Specific reason(s) must be given in the notices. Notice of possible eligibility for the Kentucky Automobile Insurance Plan (assigned risk) is appropriate but not required by law. Must identify the vehicle(s) being cancelled or nonrenewed. |

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| Declination or termination prohibited | KRS 304.20-310(3) and (4) and 340, KRS 304.12-085, KRS 304.20-042 | The declination or termination by an insurer or agent is prohibited if the declination or termination is based solely upon the: <ul style="list-style-type: none"> • Race, color, religion, nationality, national origin, ethnic group, age, sex or marital status of the applicant or named insured. • Lawful occupation or profession of the applicant or named insured, except that this provision shall not apply to an insurer which limits its market to one (1) lawful occupation or profession or to several related lawful occupations or professions or to an insurer that does not provide the kind of insurance sought by the applicant. • Fact that another insurer previously declined to insure the applicant or terminated an existing policy in which the applicant was the named insured • Fact that the applicant or named insured previously obtained insurance through a residual market mechanism. • Fact that the insured has previously obtained property or casualty insurance from a carrier providing nonstandard coverage; OR • Fact that the insured has sustained one (1) or more losses that immediately result from a natural cause without the intervention of any person and that could not have been prevented by the exercise of prudence, diligence, and care. • Credit history or lack thereof of the applicant or insured |
| Notice of renewal | KRS 304.20-035, KRS 304.20-320(4) | Must give 30-day notice to the insured of renewal or 7 days for a policy period of less than 30 days. Renewal notice must contain the renewal premium amount and payment due date. Copy must be sent to agent. If the renewal premium increases more than 25% of the premium for the preceding policy term for like coverage and like risks, 75 days notice must be given. |
| 15 day notice of policy expiration | KRS 304.20-320(3)(c) | When a policy terminates because the renewal premium was not received on or before the due date, the insurer shall mail a notice within 15 days stating that the policy was not renewed. Notice shall include the date on which the coverage ceased to exist. |
| Policy period defined | KRS 304.20-310 | Policy periods less than 6 (six) months will be considered to be 6 (six) months and policies without an expiration date will be considered to be 1 (one) year. |
| Compulsory Motor Vehicle Insurance | | |
| Required security and minimum limits | KRS 304.39.010, 060, 070, 080, 090, 100 and 110; KRS 304.20-020 | Owned vehicles must be covered for bodily injury and property damage liability and for basic reparation benefits (aka PIP or No Fault Benefits) to the extent of \$25,000/\$50,000 BI and \$10,000 PD or \$60,000 CSL and \$10,000 in PIP benefits for all users having a reasonable belief they are entitled to do so and for virtually all uses. Also required unless rejected in writing by the named insured is UM coverage of \$25,000/\$50,000. |
| Loading and unloading | KRS 304.39.110, KRS 304.39-020(6), 030 and 050 | All loading and unloading must be covered under liability but under PIP only while occupying, entering into or alighting from. |
| Property damage coverage required on loaner vehicles | KRS 304.39-065, Bulletin 91-3 | Insurers must extend PD coverage to a loaner vehicle if the replacement is for breakdown, repair, or servicing the insured's vehicle. Includes coverage for damage to the loaner vehicle. |
| Acceptance and rejection of tort liability limitation | KRS 304.39-010, KRS 304.39-060, 806 KAR 39:030, Bulletin 2001-1 | Any person who owns, maintains, operates or uses a motor vehicle in Kentucky is deemed to accept the provisions of Subtitle 39. Rejection of the statutory limitation on one's right to sue and be sued requires the use of DOI form NF-1(a,b,c)P&C (9/00) in the manner prescribed. |
| PIP benefits, definitions, rejection, and out of state accidents | KRS 304.39-020, 030, 060, 140(5) | All persons are entitled to these benefits unless they have rejected the statutory limit on their right to sue and therefore, are not entitled to collect these benefits from any source, unless they bought back the benefits. See statutes for detailed requirements for the benefits. PIP benefits may be slightly limited for out of state accidents, but the law requires out of state benefits for KY resident occupants of KY registered insured bus. |
| Exclusions: | KRS 304.39-010, 080, 090, 100, 110, 150, etc. | Subtitle 39 is written to require broad coverage and permit only limited exclusions. Only terms and conditions consistent with the purposes of the Act and fair and equitable to all persons affected will be approved. |
| • Intentional Acts | KRS 304.39-200 | Intentional acts may not be excluded from minimum liability limits. A limited PIP intentional act exclusion is permitted. |
| • Punitive damages | KRS 304.39 | May be excluded from any and all coverages. |
| • Named Driver | KRS 304.39-045 | Named insured and insurer may agree by endorsement signed by the named insured and the insurer to exclude named driver(s) other than resident spouse or dependent. Although the named excluded driver may sign the endorsement, his/her signature is not required. A resident spouse or dependent may be excluded beyond the minimum limits. |
| • Intra-family Immunity Clauses | <u>Lewis v. West American</u> (1996) | Prohibited in motor vehicle liability policies. |
| • Incidental business use | KRS 304.39 | May not be excluded. |
| Proof of insurance cards | KRS 304.39-117, 806 KAR 39:070, 806 KAR 13:040 | Although not required to be filed, proof of insurance cards must comply with the requirements of the regulation. |
| Contents of Policies and other forms | | |

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| Required policy contents | KRS 304.14-150 | Every policy shall specify: <ul style="list-style-type: none"> • The names of the parties to the contract • The subject of the insurance • The risks insured against • The time when the insurance thereunder takes effect and the period during which the insurance is to continue • The premium • The conditions pertaining to the insurance • Benefits payable |
| Privacy Notices | 806 KAR 3:210 | Not required but if filed must conform to 806 KAR 3:210 |
| Ambiguous, inconsistent, misleading language prohibited, and substantial legibility required | KRS 304.14-130 (1)(b)(c) | Forms shall not: (1) contain any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract or (2) contain any title, heading, or indication which is misleading, or be printed in a size of type or manner of reproduction so as to be substantially illegible. |
| Readability, intelligibility, and cover sheet required | KRS 304.14-130, KRS 304.14-420 through 450, 806 KAR 14:121 | All filings shall include a certificate signed by an officer or representative authorized by the board of directors stating the form meets the minimum reading ease score or stating the score. Certification by the authorized filer is acceptable when the Flesch score is provided. See statutes and regulations for detailed requirements. |
| English language requirement | KRS 304.14-435 | All policy forms filed with the DOI and any other insurance policy or claim-related information shall be written in the English language. |
| Agreements part of the contract | KRS 304.14-180 | Agreements in conflict with, modifying, or extending the contract must be made part of the policy. |
| Rental vehicle coverage | KRS 304.9-503 | Insurance purchased by the renter from the rental company agent shall be primary over any other coverage. |
| Blank endorsements are prohibited | KRS 304.14-120, 806 KAR 14:006, Memo 12-15-95 | Endorsements containing blanks where the policy may be amended are not permitted, because all policy language, terms and conditions, etc. must be submitted for prior approval. We will, however, accept a form with the following stipulations: <ul style="list-style-type: none"> • Underwriting rule pages showing the use of the endorsement must accompany the endorsement filing; • A disclaimer must be in a prominent position on the endorsement indicating, "This endorsement will not be used (a) to impede, restrict, amend or otherwise revise any provisions, exclusions, conditions or other terms of the policy to which it is attached or (b) as a renewal certificate;" AND • The endorsement must include a signature and date line for the insured's acknowledgement. The only other way the form will be accepted is where the numbered form lists all possible changes for which it will be used and is approved by the DOI. The form may be computer generated and only print out the change(s) necessary for a particular insured; however, all changes that may at any time be used must be filed and approved before use of the form. |
| Conformity clauses | KRS 304.14-130 (1)(a) | Forms shall not be approved if they are in any respect in violation of or do not comply with KY law. The presence of a conformity clause will not bring about approval of otherwise non-compliant policy provisions. |
| Grouping for preferential treatment | 806 KAR 14:090 | The grouping of persons or risks for preferential treatment in insurance rates or forms is prohibited unless filed and approved. |
| Group certificates | 806 KAR 14:060 | Group certificates issued for delivery to Kentucky residents under any group policy issued to an association outside Kentucky where premiums are payable by individual members must be filed and approved. |
| Certificates issued to third parties | 806 KAR 14:100 | Certificate forms must be filed for prior approval by each insurer. Shall include the following or similar statement: "This certificate or memorandum of insurance neither affirmatively nor negatively amends, extends, or alters the coverage afforded by policy number ____ issued by ____." |
| Policies may be assignable | KRS 304.14-250 | A policy may be assignable or not assignable as provided by its terms. |
| Jurisdiction of courts | KRS 304.14-370 | No conditions in policies may limit the jurisdiction of Kentucky courts. |
| Venue of suit against insurers | KRS 304.14-380 | Suit upon causes of action arising within this state against an insurer upon an insurance contract shall be brought in the county where the cause of action arose or in the county where the policyholder instituting the action resides. |
| Limitation of suits against insurer not less than one year | KRS 304.14-370 | No conditions in policies may limit the time for commencing actions against insurers for a period of less than one year. |
| Dividend Plans | | |
| Dividends payable to individual members, Dividends not guaranteed | KRS 304.14-290 | Every insurer, issuing participating policies, shall pay dividends, unused premium refunds or savings distribution on account of any such policy only to the real party in interest entitled. Dividends shall not be guaranteed. |

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| Dividend plans filings, participation | 806 KAR 14:110 | <ul style="list-style-type: none"> Insurer must identify and group policyholders contributing to such savings into specific classifications. Insurer must file dividend plans in "same manner as a rate filing" Cannot propose both participating and nonparticipating policies for the same class of risk. Plan must be made available to all insureds meeting the eligibility requirements. Agents licensed by one or more companies of a group must also be licensed by the company within such group authorized to write dividend plans, if such agent does not write such participating policies. Initial filing must contain either satisfactory evidence of proper specific charter (defined in KRS 304.3-050), authority to issue participating policies, or satisfactory evidence that the laws of its domicile provide that it may issue policies entitled to participate in the earnings of the insurer through dividends. Filing must also contain proposed policy provisions or proposed policy endorsement form for payment of dividends, which must also provide that all such dividends must be paid directly to the insured. Dividends must be paid only out of that part of the surplus funds derived from any realized net profits from insurer's business. Brochures and advertising materials must affirmatively and clearly set forth that dividends are not guaranteed and that all policyholders are eligible for the dividend program whether or not they are members of, or affiliated with, any association. |
| Form Filing Standards | | |
| Prior approval | KRS 304.14-120 | No policy form, application made a part of the policy, rider, endorsement, certificate, etc. shall be delivered until filed and approved. |
| Forms disapproved or withdrawn | KRS 304.14-120 and 130(2) | Disapproved filings require a new filing submitted with appropriate fees and forms. The insurer shall not use in this state any form after disapproval or withdrawal of approval. |
| Filing document set | KRS 304.14-120, 806 KAR 14:006, 806 KAR 4:010(2) | <p>A filing may include any number of documents, filed together on a particular date, pertaining to a single type of insurance (TOI) from the Uniform Property & Casualty Product Coding Matrix. Forms shall be filed separately from rates and rules.</p> <p>Paper filings must be submitted with two (2) full document sets on 8 ½ x 11 white paper and three (3) transmittal documents.</p> <p>Each document set must contain the following properly completed forms and information:</p> <ul style="list-style-type: none"> Property & Casualty Transmittal Document, if a group filing is being made, all companies included must be listed. Form Filing Schedule If the filing is being made by a third party, a signed letter of authorization from the company shall be submitted The company's documents that are being revised/submitted \$5.00 filing fee per company per line of insurance, subject to retaliatory provision Self-addressed stamped envelope |
| Retaliatory fees | KRS 304.3-270 | When fees, taxes, fines, etc., charged by the state of domicile are in excess of Kentucky fees, then the domicile state's fees apply. |
| Fees collected in advance | KRS 304.4-010 | Fees shall be collected in advance or within 15 days of electronic submission. |
| Amendments to completed filings | 806 KAR 14:006 | <p>Once a filing is acted upon by DOI, it may be amended only by submitting a complete new filing.</p> <p>An exception is permitted for changes of effective date. These may be accomplished with a letter stating the revised effective date.</p> <p>Final printed pages need not be filed</p> |
| <ul style="list-style-type: none"> Exception for change of effective date Final printed pages | | |
| Liberalization Clause | | |
| Liberalization | KRS 304.14-180, 806 KAR 14:050 | If additional benefits are afforded to policyholders of an insurer which do not require increases in premium rates or reductions of coverage, such benefits shall also be afforded to all prior policyholders paying the same rates. |
| Loss Settlement | | |
| Proof of Loss forms | KRS 304.14-270 | Insurers shall furnish proof of loss forms upon written request of any person. |
| Liability deductibles | KRS 304.39-080, 304.14-130 | Prohibited unless policy language states the insurer SHALL pay on behalf of the insured or unless the insured is a qualified self-insured. Also may not erode the limits of liability. |
| Glass replacement or repair | KRS 304.9-470, KRS 304.20-060, KRS 189 | The insurer shall not require a policyholder to use any particular company or location for glass repair or replacement. For policies with comprehensive coverage, safety equipment must be replaced or repaired without any deductible. |
| Loss of use | KRS 304.39-115 | Loss of use shall be an element of damage in a property damage liability claim. |

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| PIP benefits | | |
| <ul style="list-style-type: none"> Direction of pay | KRS 304.39-241 | An insured may direct in writing the payment of PIP benefits among the different elements of loss. |
| <ul style="list-style-type: none"> No deduction or set off of benefits except as permitted in law | KRS 304.39-120, 130, 140, and 250 | PIP benefits are to be paid without deduction or set-off except as required or permitted by Subtitle 39. Those include workers compensation, 15% tax savings, limits or apportionment of loss of income and other elements of loss so limited, deductibles shall be made available up request in amounts of \$250, \$500, or \$1000. No other deductibles or set-offs are permitted. |
| <ul style="list-style-type: none"> Medical bill presumed reasonable | KRS 304.39-020(5)(a) | Insurers may not limit benefits by defining "reasonable" or by requiring managed care or fee schedules. |
| <ul style="list-style-type: none"> PIP coordination of benefits | KRS 304.39-050,070,140,290 | PIP follows the vehicle and is recoverable by subrogation against the party at fault through the Kentucky Automobile Arbitration Association. |
| <ul style="list-style-type: none"> Independent medical exams for PIP or Added PIP | KRS 304.39-270; Advisory Opinion 2000-3 | Insurers shall not require an IME unless it is material to the claim and only by a court order with good cause. |
| Claim payment offset by premium | KRS 304.12-230(5), (6), (8) | Any attempt by a carrier to offset the amount it owes on a claim by the amount of premium an insured owes could be an unfair denial of a claim. The insured has a reasonable expectation that if the claim is covered, coverage will be provided up to the limits of the policy. |
| Limits on claims due to Medicaid | KRS 304.3-280 | Contracts may not limit claim payments because the insured is eligible to receive or is provided medical assistance under the provisions of Title IX of the Social Security Act (Medicaid). |
| HIV Exclusion , Limits, or Different Terms or Conditions | KRS 304.14-130 (1)(e) | HIV shall not be excluded or treated differently than other sicknesses or medical conditions. |
| Domestic violence / innocent co-insured | KRS 304.12-211 | Insurers are prohibited from using the fact that an applicant or insured sustained bodily injury resulting from domestic violence or abuse as the sole basis for rating and underwriting decisions or to limit the amount or kind of coverage available. Furthermore, if a policy excludes property coverage for intentional acts, the insurer may not deny payment to an innocent co-insured if the loss occurred because of domestic violence or abuse and the perpetrator of the loss is criminally prosecuted for the act causing the loss. Payment to the innocent co-insured may be limited to their ownership interests in the property as reduced by any payments to a secured interest. |
| Defense costs | KRS 304.14-130(1)(a) and (b), Bulletin 87-5 | May not be included within liability limits |
| Time for payment of claims | KRS 304.12-235 | Claims to be paid in 30 days or interest owed. |
| RATE and RULE MANUAL | | |
| Advisory Organizations and Statistical Agents | | |
| Adopting by reference, Blanket reference or Filing authorization | KRS 304.13-051, KRS 304.13-061, KRS 304.13-121, 806 KAR 13:150, | <p>When an insurer chooses to adopt one or more specific filings of an AO or SA, it shall do so in accordance with the usual filing procedures and shall clearly identify which filing(s) it is adopting. Reference to items must always be made using the AO or SA filing reference number, not the circular number. Adoptions of rules more than 2 years old shall include copies of the rules for review for current compliance.</p> <p>When an insurer chooses to adopt ALL of the loss costs and/or rules of an AO or SA, it may either provide written authorization to AO or SA, who must in turn file the authorization with the DOI, or the insurer must file written notice of "blanket reference adoption" with the DOI that it is adopting by reference all of the current and future filings by the AO or SA.</p> <p>Be watchful of loss adjustment expenses already included in AO or SA loss cost filings. Duplication of those expenses is not permitted.</p> |
| Delaying adoption or non-adoption | KRS 304.13-051, KRS 304.13-061, KRS 304.13-121, 806 KAR 13:150, | When an insurer has previously adopted all loss costs and rules of an AO or SA and chooses to delay the effective date of a new release, the insurer may submit a letter and specify an adoption date within 6 months of the advisory effective dates. A second letter may be submitted with a new date within one year from the original advisory effective date. If the insurer will not adopt within one year, a complete filing with forms and fees is required to non-adopt. Insurers will not be permitted to delay adoption or non-adopt releases bringing rules into compliance with the law without making similar independent changes bringing their rules into compliance. |
| Filing Standards | | |

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| Rates & rate information | KRS 304.13-051, 057, 061 Order 1-7-2003 | Use & File. Every insurer shall file rates and supplementary rate information to be used in Kentucky. No insurer shall place into effect any rates, manuals, or underwriting rules which it proposes if it results in a increase or decrease of more than 25% from its existing rates for any classification of risks in any of its rating territories within a 12-month period of time. Any insurer that proposes such a large increase or decrease shall file under the "Prior Approval" category. |
| Rates & rate information | KRS 304.13-051, 057 and 061, 806 KAR 13:110, Order 1-7-2003 | Prior Approval. Every insurer shall file rates and supplementary rate information to be used in Kentucky. Any insurer that proposes an increase or decrease of more than 25% shall file all its rates and supplementary rating information which shall not become effective until approved by the Commissioner. The waiting period for filings is thirty days before it becomes effective, which may be extended for an additional period not to exceed 30 days if written notice is given within the waiting period to the insurer which made the filing that additional time is needed for consideration of the filing. The filing should include supporting documentation to aid in the review process. <ul style="list-style-type: none"> • rate level indications • loss ratio information • prospective expense information • rate impact information • information regarding policies with the greatest individual impacts including distribution information by impact level |
| Rating Manuals & Underwriting Rules | KRS 304.13-051 | All manuals and underwriting rules must be filed within 15 days of the effective date. Manuals, rules, and guidelines must be adhered to until amended. To the extent underwriting guidelines regarding the bases on which risks are acceptable are considered proprietary and confidential, it must be clearly marked on the filing and an explanation of the reason(s) the information is proprietary and confidential must be included. Information relative to premium determination is never propriety. Filings disapproved may not be used until a new filing is submitted with all appropriate fees and forms. |
| Filing document set | KRS 304.13-051, 806 KAR 13:150, 806 KAR 4:010(21) | A filing may include any number of documents, filed together on a particular date, pertaining to a single type of insurance (TOI) from the Uniform Property & Casualty Product Coding Matrix. Forms shall be filed separately from rates and rules. Paper filings must be submitted with two (2) full document sets 8 ½ x 11 white paper and three (3) transmittal documents. Each document set must contain the following properly completed forms and information: <ul style="list-style-type: none"> • Property & Casualty Transmittal Document, if a group filing is being made, all companies included must be listed. • Rate/Rule Filing Schedule • LC-1 [and LC-2 if applicable] must be completed for each company. • If the filing is being made by a third party, a signed letter of authorization from the company shall be submitted • The company's documents that are being revised/submitted • \$5.00 filing fee for Use & File filings, \$100.00 filing fee for prior approval filings, per company per line of insurance, subject to retaliatory provision • Self-addressed stamped envelope |
| Retaliatory Fees | KRS 304.3-270 | When fees, taxes, fines, etc. charged by the state of domicile are in excess of Kentucky fees, then the domicile state's fees apply. |
| Fees Collected in Advance | KRS 304.4-010 | Fees shall be collected in advance or within 15 days if the filing is submitted electronically. |
| Amendments to completed filings | 806 KAR 13:150 | Once a filing is acted upon by DOI, it may be amended only by submitting a complete new filing. <ul style="list-style-type: none"> • An exception is permitted for changes of effective date. These may be accomplished with a letter stating the revised effective date. • Final printed pages need not be filed. |
| General Rates and Rules | | |
| Tie-in Sales | KRS 304.12-130 | Prohibited as a method of competition that is unfair and not in public interest. |
| Premium defined; fees are included | KRS 304.14-030 & Bulletin 94-3 | Premium is the consideration for insurance, by whatever name called. Any assessment or any membership, policy, survey, inspection, service, reinstatement, cancellation or similar fee or other charge in consideration for an insurance contract is deemed part of the premium. |
| Illegal dealing in premium | KRS 304.12-190 | No person shall charge for insurance not provided nor charge any amount in excess of that expended for insurance nor knowingly fail to refund any charge for insurance in excess of the amount actually expended for insurance. Unearned premium shall be refunded upon the request of the insured, even if nominal. Minimum earned premiums and fully earned fees such as policy, membership, reinstatement, cancellation, etc. may be used only when the remaining premium is refunded prorata or under other circumstances with support. |
| Domestic violence / innocent co-insured | KRS 304.12-211 | Insurers are prohibited from using the fact that an applicant or insured sustained bodily injury resulting from domestic violence or abuse as the sole basis for rating and underwriting decisions or to limit the amount or kind of coverage available. |
| Grouping for preferential treatment | 806 KAR 14:090 | Grouping of persons or risks for preferential treatment in insurance rates or forms is prohibited unless filed and approved. |

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| Unfair discrimination prohibited <ul style="list-style-type: none"> • Association discounts • Pricing based on education | KRS 304.12-080, 806 KAR 14:090 | Actuarial evidence of difference in risk or expenses must be provided. |
| Limits on claims due to Medicaid | KRS 304.3-280 | Contracts may not limit claim payments because the insured is eligible to receive or is provided medical assistance under the provisions of Title IX of the Social Security Act (Medicaid). |
| HIV Exclusion , Limits, or Different Terms or Conditions | KRS 304.14-130 (1)(e) | HIV shall not be excluded or treated differently than other sicknesses or medical conditions. |
| Rebates prohibited | KRS 304.12-090 and 100, Advisory Opinion 2004-05 | |
| Flexible commissions prohibited | KRS 304.12-080 and 090, Advisory Opinion 2003-01 | |
| Illegal inducements to buy insurance prohibited | KRS 304.12-110 | Some discounts may be illegal inducements. |
| Motor Vehicles | | |
| Minimum limits | KRS 304.39-110 | \$25,000/\$50,000 BI - \$10,000 PD or \$60,000 CSL. \$10,000 in No-Fault Coverage. \$25,000/\$50,000 in UM coverage. |
| Dealers minimum limits | KRS 190-33, KRS 304.39-110 | Dealers shall provide \$100,000/\$300,000 BI and \$50,000 excess PD when operated by anyone. Also must provide no-fault. |
| “U Drive It” vehicles | KRS 281.014, KRS 281.655, KRS 304.39-110 | Must maintain minimum limits covering lessors and lessees. |
| Acceptance and rejection of tort liability limitation | KRS 304.39-010, KRS 304.39-060, 806 KAR 39:030, Bulletin 2001-1 | Any person who owns, registers, maintains, operates or uses a motor vehicle in Kentucky is deemed to accept the provisions of Subtitle 39. Rejection of the statutory limitations on one’s right to sue and be sued requires the use of DOI form NF-1(a,b,c) P&C (9/00), in the manner prescribed. |
| PIP benefits, definitions and out of state accidents | KRS 304.39-020, 030, 060 and 140(5) | All persons are entitled to basic reparation benefits unless they have rejected the statutory limit on their rights to sue and therefore, are not entitled to collect no-fault benefits from any source, unless they bought back the benefits. See statutes for detailed requirements for benefits. PIP benefits may be slightly limited for out of state accidents, but the law requires out of state benefits for KY resident occupants of KY registered insured bus. |
| UM coverage shall be included at minimum limits | KRS 304.20-020, KRS 304.39-110 | Unless rejected in writing by named insured. |
| Underinsured (UIM) motorist coverage shall be made available upon request | KRS 304.39-320 | No minimum limit required. The law does not require (nor shall insurers) that the injured person have higher UIM limits than those of the tortfeasor’s liability insurance. Written rejection is not required but may be obtained. Be sure to make the purchase of UIM coverage available upon request even when the named insured rejects UM. |
| PIP benefits <ul style="list-style-type: none"> • No deduction or set off of benefits except as permitted in law • Medical bill presumed reasonable • Deductibles • Added PIP • Rejecters | <p>KRS 304.39-120, 130, 140, and 250</p> <p>KRS 304.39-020(5)(a)</p> <p>KRS 304.39-140(4)</p> <p>KRS 304.39-140(1)</p> <p>KRS 304.39-140(1) and (5)</p> | <p>PIP benefits are to be paid without deduction or set-off except as required or permitted by Subtitle 39. Those include workers compensation, 15% tax savings, limits or apportionment of loss of income and other elements of loss so limited.</p> <p>Insurers may not limit benefits by defining “reasonable” or by requiring managed care or fee schedules.</p> <p>\$250, \$500, and \$1000 shall be made available upon request. No other deductibles are permitted.</p> <p>Shall be made available upon request.</p> <p>Buy back PIP and then Added PIP shall be made available upon request.</p> |
| Named Driver Exclusions | KRS 304.39-045 | Named insured and insurer may agree by endorsement signed by the named insured and the insurer to exclude named driver(s) other than resident spouse or dependent. Although the named excluded driver may sign the endorsement, his/her signature is not required. A resident spouse and dependent may be excluded beyond the minimum limits. |
| Liability deductibles prohibited | KRS 304.39-080(7), 806 KAR 39.050, KRS 304.14-130, KRS 304.39-100 | Unless carrier SHALL pay them or unless insured is a qualified self-insured. Deductibles may not erode the liability limits. |
| Rebuilt titles cannot be reclassified or declined | KRS 186A.530 | Reclassification or declination permitted only on first party non-compulsory coverages. |

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| Glass coverage without deductible | KRS 304.20-060 | Any policy providing comprehensive coverage shall provide complete coverage for repair or replacement of damaged safety equipment (the glass used in the windshield, doors, and windows, and the glass, plastic, or other material used in the lights required by KRS Chapter 189) without regard to any deductible or minimum amount. |
| Rewrite of previous customer required | KRS 304.20-041 | An insurer with whom the applicant was most recently insured shall not refuse to issue a policy nor impose any additional premium solely because the applicant is uninsured at the time of reapplication; if the applicant demonstrates that during the period he was without insurance he had the good cause shown in the statute, and he was not convicted of any traffic violation during that period, and the reapplication was made within 24 months of the nonrenewal. |
| Anti-theft device discounts required on comprehensive coverage | KRS 304.13-065, KRS 304.20-400 through 450, 806 KAR 13:100 | See statutes and regulation for specific discount requirements for specific types of anti-theft devices. |
| Loss of driving privileges due to child support arrearage | KRS 186.570(7) | Rate increase prohibited |
| Renewal, Nonrenewal, Cancellation, Declination | | |
| Notice of renewal premiums | KRS 304.20-035 | Must give at least 30 days notice, 7 days in the case of a policy with a policy period of 30 days or less, before the end of the policy period. |
| Premium increase 25% | KRS 304.20-320(4) | No insurer shall increase the premium more than 25 % of the premium for the preceding policy term for like coverage and like risks unless at least 75 days before the end of the policy period the insurer mails or delivers to the named insured at the last known address a notice for the renewal premium amount. |
| Notice at policy expiration | KRS 304.20-320(3)(c) | When a policy terminates because the renewal premium was not received on or before the due date, the insurer shall mail a notice within 15 days stating that the policy was not renewed. Notice shall include the date on which the coverage ceased to exist. |
| Reasons permitted for cancellation | KRS 304.20-310(2) and 330, KRS 304.14-030 | Mid-term cancellations of policies in force more than 60 days can only occur for one of seven reasons: <ul style="list-style-type: none"> • Non-payment of premium • Discovery of fraud or material misrepresentation made by or with the knowledge of the named insured. • Discovery of willful or reckless acts or omissions on the part of the named insured that increase any hazard insured against. • Occurrence of a change in the risk that substantially increases any hazard insured against. • Violation of local fire, health, safety, building or construction regulation or ordinance with respect to any insured property. • The insurer is unable to reinsure the risk. • Determination by the Commissioner that the continuation of the policy would place the insurer in violation of the KY insurance code or regulations of the Commissioner. Nonpayment of premium is the failure to discharge any obligation in connection with the payment of premiums. Insured's failure to repay losses and/or LAE within the deductible does not constitute non-payment of premium. |
| Notices of cancellation and nonrenewal | KRS 304.20-310 and 320, 806 KAR 20-010 (3) and (5), KY Farm Bureau v. Gearhart, 853 S.W. 2nd 907 (KY App 1993) | 14 days in advance of effective date of cancellation if for non-payment of premium or if policy in force 60 days or less. 75 days notice for nonrenewal and all other cancellations. Termination is a cancellation or nonrenewal of coverage in whole or in part. Movement between companies is a termination and must be given 75 day notice. Specific reason(s) must be given in the notices. Notice of possible eligibility for the KAIP (assigned risk plan) is appropriate but not required by law. Notices shall identify the vehicle(s) being cancelled or nonrenewed. |
| Declination or termination prohibited | KRS 304.20-310(3) and (4), KRS 304.20-340, KRS 304.12-085 | Termination includes both nonrenewal and cancellation. The declination or termination by an insurer or agent is prohibited if the declination or termination is based solely upon the: <ul style="list-style-type: none"> • Race, religion, nationality, ethnic group, age, sex or marital status of the applicant or named insured • Age or location of the residence or property • Lawful occupation or profession of the applicant or named insured unless an insurer limits its market to one or more lawful occupations or professions. • Fact that another insurer previously declined to insure the applicant or terminated an existing policy in which the applicant was the named insured • Fact that the applicant or named insured previously obtained insurance through a residual market mechanism. • Fact that the insured has previously obtained property or casualty insurance from a carrier providing nonstandard coverage or • Fact that the insured has sustained one (1) or more losses that immediately result from a natural cause without the intervention of any person and that could not have been prevented by the exercise of prudence, diligence, and care. |
| Use of Credit Information | KRS 304.20-042 KRS 304.13-011 | No insurer shall decline to issue, cancel, nonrenew or otherwise terminate P&C insurance contact covering personal risks solely because of credit history or lack thereof. "Personal risks" means homeowners, tenants, private passenger nonfleet automobiles, mobile homes, and other P&C insurance for personal, family, or household needs. |
| Taxes and Fees | | |
| Installment fees and delinquent installment fees | KRS 304.13-051, 806 KAR 13:090, KRS 304.30-090 and 100, 806 KAR 30:050 | Shall be no less favorable than those permitted by premium finance companies. Maximum of \$15 fee plus 12% per annum installment fees. Delinquent fee of \$1 to maximum of 5% of the amount of the delinquent installment late 5 days or more. |

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| Late fees on entire premium | KRS 304.14-030 | Maximum of 18% per annum if premium late 30 days or more. Such charges shall be clearly indicated on all bills and statements of account. |
| Reinstatement fee or change in coverage on expired policy prohibited | KRS 304.20-037 | If an insurer has indicated its willingness to renew a policy by mailing to the named insured a notice of the renewal premium and the amount was not paid, the insurer may, in the absence of an increase in the risk insured, reinstate the policy upon the written request of the insured if the request is made within thirty (30) days following expiration. The insurer shall not require, as a condition for reinstatement, an increase in coverage amount or the premium charge above that which was stated in its renewal offer. |
| Fully earned MGA policy fees for und. expenses | KRS 304.13-171 | The fee shall only be collected if coverage is provided and shall be deemed fully earned. The fee shall be submitted to the Commissioner for prior approval. |
| Local government premium tax | KRS 91A.080, 806 KAR 2:096 and 097, annual DOI Bulletin | If filed, they must be current and accurate. Must be disclosed on title page of policy issued for the first time when the tax is charged. |
| Premium surcharge | KRS 136.392, 806 KAR 2:100 | Must be disclosed on declarations page of policy issued for the first time when the surcharge is charged. |